



House Bill 716

State Government - Protection of Information - Revisions (Maryland Data Privacy Act)

MACo Position: **OPPOSE**

To: Education, Health, and Environmental
Affairs Committee

Date: April 2, 2019

From: Robin Clark Eilenberg

The Maryland Association of Counties (MACo) **OPPOSES** HB 716. This bill's requirement that Maryland governments immediately conform data protection processes to enumerated federal categorization and data sharing rules is counterproductive to county government operations and would be a costly mandate – upward of \$25 million for county governments statewide.

As drafted, the legislation's definition of a State government "unit" includes county governments. MACo understands that this was not the intended purpose of the legislation and that a friendly amendment correcting this error – and specifying that the provisions of this bill apply only to executive branch agencies of state government – will be introduced. If the Committee adopts such an amendment, MACo would drop its opposition to this legislation.

County governments take the highest precautions when handling personal identifiable information. The protection of personal information, such as names, social security numbers, and addresses of residents and employees, is paramount among county government data security efforts. Maryland County Information Technology Officers advise that counties regularly review information protection practices internally and through external audits of data files with sensitive information, including personal identifiable information. If security gaps are discovered, counties remediate them through new toolsets, permission restrictions, and personnel training.

This legislation expands the definition of personal identifiable information to include geolocation variables, biometric data, and any interaction with a website or application. It specifies detailed adherence to federal data handling guidelines for this new range of personal identifiable information. The imposition of federal rules undermines a county's ability to prioritize and align its protection plans with its systems' data use and requirements. The one-size-fits-all approach would create operational issues, including complicating routine and necessary inter-departmental data sharing.

According to small and mid-sized counties, this legislation's broad reach would require an additional 1-2 staff positions to handle ongoing additional security controls, data classifications, and compliance issues, in addition to software contracts upward of half a million dollars each. Maryland's larger jurisdictions have cited costs in the tens of millions and legal conflicts.

For these reasons, MACo **OPPOSES** HB 716 and urges an **UNFAVORABLE** report.